[5th September 1928

Separation of judicial from executive functions

Separation of judicial and executive functions in the province.

* 131 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government of India have communicated to them their further instructions in regard to the separation of judicial and executive functions;

(b) whether after December 1926 the Government of Madras have not corresponded with the Government of India on this question; and

(c) if they have, what the correspondence was ?

A.—(a) No.

(b) Yes.

(c) The proceedings of the Council, dated the 24th January 1927, on this subject were communicated to the Government of India in February 1927.

Mr G. HARISARVOTTAMA RAO :—"May I know from the hon. the Law Member whether he is prepared to further communicate with the Government of India and ask them what has been done in the matter. I want to know whether he would be satisfied with merely communicating our resolution or he would further communicate with the Government of India and ascertain what is being done ?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I am afraid it is not possible, because the Government of India have definitely told us that we must await their instructions."

Mr. ABDUL HAMID KHAN :—"May I know whether the Government of Madras while communicating the resolution of the House recommended the separation or opposed it ?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"On the last occasion they simply forwarded the proceedings."

Mr. K. V. R. SWAMI :—"Is it not possible to remind the Central Government about this matter ?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"They have definitely told us that we must await their instructions; we cannot go beyond that."

Mr. K. V. R. SWAMI :—"Is it not possible to remind them? Is there any rule that it should not be done like that ?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"As a matter of fact, we reminded them several times. The last time was when we communicated the proceedings of this House."

Separation of the executive and judicial functions in this province.

* 132 Q.—Mr. S. SATYAMURTI : Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government intend to bring up any proposal before the Legislative Council for the separation of executive and judicial functions in this province;

(b) if so, when; and

(c) if not, why not ?